

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: :  
: :  
Peter Hesoun et al. : Attorney Docket No.: 35947-231351  
: :  
Application No.: 10/581,318 : Art Unit: 3744  
: :  
Filed: June 2, 2006 : Examiner: J. Ford  
  
Title: MODULAR HEATING SYSTEM FOR LARGE VEHICLES

RESPONSE TO COMMUNICATION

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the communication issued July 7, 2009, Applicants submit that claims 1, 3, 4, and 6-9 correspond to the species elected in the response filed April 10, 2009 to the election requirement issued March 10, 2009. In that response, Applicants elected the species shown in Fig. 1, with the fan placed below the heat exchanger and with the fan in an axial position.

Applicants traversed the election requirement on the basis that unity of invention exists among the claims. This is borne out by the previously submitted International Preliminary Report on Patentability which does not include any indication of lack of unity of invention at page 1, section 4, where lack of unity would be indicated. Additionally, page 3 of the International Preliminary Report on Patentability indicates that the documents cited by the Examiner represent the general state of the art and that the invention recited in the claims is novel and non-obvious in view of the documents. The modular nature of the system provides

great flexibility in installation of the components of the system that is not disclosed or suggested by the cited documents.

In conclusion, Applicants respectfully request withdrawal of the election requirement and examination of all pending claims.

If an interview would advance the prosecution of this case, Applicants urge the Examiner to contact the undersigned at the telephone number listed below.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit overpayment associated with this communication to Deposit Account No. 22-0261.

Respectfully submitted,

Date: August 6, 2009

/Eric J. Franklin/  
Eric J. Franklin, Reg. No. 37,134  
Attorney for Applicant  
Venable LLP  
575 Seventh Street, NW  
Washington, DC 20004  
Telephone: 202-344-4936  
Facsimile: 202-344-8300